

THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3RD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, JANUARY 23, 2007 AT 3:30 P.M.

PRESENT: Chairman Mayor James Garner, Vice Chairman Bill Utz, Kevin Zurschmiede, Todd Solomon and Larry Kochert.

OTHERS: Attorney Greg Fifer, Tim Crawford, Brian Dixon and Rob Sartell, EMC, and City Clerk Marcey Wisman.

CALL TO ORDER:

Mayor Garner called the meeting to order at 3:39 p.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Solomon moved to approve the January 9, 2007 minutes with changes, Mr. Kochert second, all voted in favor.

COMMUNICATIONS - PUBLIC:

Laurie Streib, CDSN Properties requested 3400 sewer credits for a medical building which will be located on Grantline Road she explained that they went before the Planning Commission last week and received their approval.

Mr. Utz moved to approve, Mr. Kochert second, all voted in favor.

COMMUNICATIONS - CITY OFFICIALS

Mr. Solomon asked for a 2007 meeting schedule.

Mr. Solomon asked if they have the Credits for the Robert E. Lee Interceptor.

Mr. Fifer stated that he just got the check completion done.

Mr. Solomon asked if we had heard anything on the Amended Consent Decree.

Mr. Fifer stated that we have not.

Mr. Solomon asked if they had sent the letter to the EPA regarding Camp Avenue

Mr. Fifer stated that he hadn't and that Brian had to get it on their letterhead and get it signed and that he had just brought that to him today.

Mr. Solomon stated that he had to provide Mr. Lahanis with Clark Deitz and Donohue contracts and this is more proof as to why we need a manager for the Utility. He asked how the Controller knows what to pay if she doesn't have the contracts.

Mr. Dixon says she pays off of the claims that are provided to her.

Mr. Solomon asked who was checking to make sure the claims were right.

Mayor Garner stated that Brian Dixon usually tracks the claim versus the contractor to make sure they don't go over.

Mr. Dixon explained that they don't receive signed contracts, and that is what Mr. Lahanis had asked for.

Mr. Solomon stated that it is great for EMC to keep copies of the contracts but the city is

the one that should have these on file.

Mr. Utz asked who gets the final contracts.

Ms. Wisman stated that she was planning to speak with Mr. Christmas and Mr. Elling after the meeting about this issue. She explained that she has files for sewer board contracts for each year, but the files are incomplete and she does not know where the final signed contracts are going.

Mr. Fifer asked for clarification on what contracts Ms. Wisman was referring to, and stated that these contracts are being signed during the meetings and he would guess that a deputy may have been sent to the meeting and the signed contracts went into the meeting file instead of the contract file.

Mr. Wisman explained that she has gone through every file and was still unable to find all of the signed contracts.

Mr. Christmas agreed with Mr. Solomon that the contracts are being signed at meetings and explained that he brings three copies to each meeting, takes one signed with him and leaves two with the board.

Mayor Garner stated that he thinks that they have all of the contracts since Mr. Christmas has been here and there is a one to a year and a half gap where the contracts are missing.

Mr. Fifer asked Mr. Christmas if he could go back and make copies of whatever signed contracts that they have and send them to Marcey within the next week.

Mr. Solomon asked about the work on old Ford Road.

Mr. Dixon reported that the work is finished.

Mr. Solomon stated that Paul Elling had suggested flow metering in Basin 35 and wanted to know what has happened with that.

Mr. Dixon stated that they do not have available flow meters. He explained that they are currently monitoring Basin 18.

Mr. Solomon stated that Basin 18 is a priority over Basin 35 but asked Mr. Elling if he could send a memo of what needs to be monitored so if any meters free up they know where they need to go.

Mr. Solomon asked if the revised draft NPDES Permit comments have been sent out yet.

Mr. Sartell stated that he talked with Steve Gress and they put together a revised letter and are waiting for a response.

Mr. Solomon asked if letters had been sent out to the other 15th Street bidders letting them know that they weren't awarded the contracts.

Mr. Dixon explained that he notified the three bidders that were not invited back for interviews but an official decision hasn't been made yet so he hasn't contacted anyone else about who the contract was being awarded to.

Mr. Solomon motioned to award the 15th street contract to Donohue contingent upon negotiating a price., Mr. Kochert second, all voted in favor.

Mr. Solomon stated that the board has a draft plan from Donahue regarding the study of Basin 35 and asked if they were going to have a final one in the next couple of weeks.

Mr. Elling stated that they would.

Mr. Solomon thought that they needed to have a work session to just discuss the Capital Improvement Plan so that they can get something together for the council. He also thought it would be nice to provide the council with a map of all the projects.

Mayor Garner stated that they can decide to have the second meeting of February as a work session if they found that scheduling was an issue.

It was decided to make the second meeting in February a work session to discuss the Capital Improvement Plan.

Mr. Kochert stated that they also needed to set a work session to discuss their policy for the handling of back ups and what the city is and is not liable for.

Mr. Fifer stated that he has started working on a document setting up this information but it is not finalized and he would be glad to have a work session to finish it off. He suggested a public notice to inform the citizens about the need for a rider on their home owners insurance for water damage, because the city now has a policy that unless you can demonstrate the city was negligent and caused damage to your property the city will not claim liability.

Mr. Solomon asked what acts are considered ministerial.

Mr. Fifer said routine maintenance would be an example.

Mr. Solomon asked if we received the SRF payments for the Bar Screen Project.

Mr. Fifer stated that he has not been notified and that he would call Umbaugh regarding this issue.

Mr. Solomon asked about a quote that was presented to them for a building at the Waste Water Plant.

Mr. Crawford stated that he took it upon himself to get quotes for a building that the board had discussed having built for information purposes.

Mr. Solomon asked about the Vac Truck.

Mr. Dixon stated that it has been ordered and should be here in 60-90 days and he is looking into using the old Vac Truck as a trade in.

Mayor Garner stated that he directed them to do this because it is a fairly old piece of equipment and he doesn't think the drainage board is going to want to buy it from the utility.

Mayor Garner reported that the check has gone out for ADM.

Mr. Utz asked about the moving of the billing office.

Mayor Garner stated that they will be moving to the end of the office on the 21st and 22nd of February.

Mr. Utz asked if there was anything new on the jail bond money.

Mayor Garner stated that there was nothing new on the jail bond money and that it was not discussed at the council meeting nor was the paving discussed.

Mr. Solomon asked about a discrepancy that was discussed over whether the \$270,000 was to be deducted from the jail bond money.

Mayor Garner stated that the council had passed a resolution for the additional EDIT for 2007 number for the bond issue as an appropriation.

Mr. Utz asked if there was anything new with the system development fee.

Mr. Fifer stated that there was not.

Mr. Utz asked if they received a quote on the Canadian Hemlocks.

Mr. Dixon stated that they are \$180 apiece, but you can purchase White pines for \$90 each.

Mr. Fifer stated that the board needs to get the additional easement for what they need now with an agreement that they can move it later.

There was a lengthy discussion regarding the type of trees that would be appropriate planted near the lift station.

SEWER ADJUSTMENTS:

Mrs. Welsh stated that the adjustments that she passed out are just for their information. She also included a bill from IN-AWC to show how they split that invoice between the sewer, stormwater and trash. She stated that the cost for the billing has not changed since they took on the stormwater billing.

Mr. Utz asked if they are having a large delinquency rate in the storm water bills.

Mrs. Welsh explained that she spends most of her day correcting problems with the stormwater bill and they found recently that the parcel numbers that FMSM has attached to the aerials that they have don't belong to the accurate people. She stated that she spoke with Steve from FMSM and he instructed her to send all the ones that come to her attention and they will get them corrected.

Mayor Garner stated that there are problems with the plats and with FMSM and this needs to be addressed to determine if this is a wide spread issue or if it is just patches.

Mr. Zurschmiede stated that it is a widespread issue and that something needed to be done immediately to address this issue.

Mr. Utz asked if the sewer is being compensated for the amount of time spent on stormwater.

Mayor Garner stated that he and Kay have discussed moving Missy Sarkisian's salary to the stormwater and that 1/3 of the office will be paid for by stormwater.

Mr. Solomon asked about whether or not Kay had them tracking their time sheets.

Mrs. Welsh stated that it fluctuates quite a bit so right now it is just based on what bills are going out.

Mayor Garner stated that the best estimate is that 1/3 of the office is used for stormwater.

Mrs. Welsh stated that she thought this was a good estimate because sewer billing is easy for them now and they get very few calls concerning it. She explained that FMSM has indicated that things will level off.

Mayor Garner explained that once the maps are digitized downstairs and they have access to them in the sewer office most of the mistakes can be balanced.

Mr. Utz asked what FMSM has offered to do since they have already been paid to do the job

Mrs. Welsh explained that she provided a worksheet with a breakdown of what they

have paid FMSM and she is not sure on what the recourse is on trying to encourage FMSM to help fix the problem.

Mr. Solomon stated that they all need to sit down and figure out where the problems are and FMSM should be able to do this without any additional fees and if it is determined that the problem is mostly with FMSM then they need to fix the issue at no charge.

Mr. Utz asked if the new space would be adequate to take over what IN-AWC is doing.

Mrs. Welsh stated that it was not enough room.

Mr. Solomon asked if she has heard from IN-AWC regarding the properties that are not being billed.

Mrs. Welsh stated that she has had a conference call with IN-AWC and they will get the people turned on and back bill them. She said she explained to them that they were also supposed to find any other properties out there with similar issues, but that they still haven't gotten back with her about it.

NEW BUSINESS:

Item #1 - Jessica & Greg Adkins re: needs approval to tap in and check for sewer credits at 427 Kenzig Rd.

Mrs. Adkins stated that they have gotten permission to subdivide her mother's property and they need permission to tap on and receive credits.

Mrs. Haley stated that a single home does not need credits.

Mr. Dixon stated that he would go out and look to see what would be best.

Mr. Solomon asked if the Kenzig Road properties have paid for the unpaid sewer bills and whether or not Mr. Henderson was going to pursue this case.

Mayor Garner stated that Mr. Henderson did not want to pursue a case.

Mr. Solomon asked what other option they had regarding this

Mayor Garner said they could back bill them for two years.

Mr. Solomon asked if they could file a civil case against them.

Mr. Fifer explained that if the tap was paid for voluntarily that it becomes a claim for conversion where the property has been taken without being paid for against the city's will and they can add interest, recover three times plus the attorneys fee. He stated that he believes that he can file a case from six years back and he recommended that Kelly generate a bill based on their average usage per month and bring it back to the sewer board in two weeks.

Mr. Solomon recommended that Mrs. Welsh generate a bill, figure out when it was connected and calculate the average usage per month for the two years and bring it back to the board.

Item #2 - Tina Haley re: questions about the payments to DSD and MEKA

Mrs. Haley stated that Sandy Boofter has been holding money for DSD and MEKA and they need to know how they should get this money to them.

Mr. Fifer stated that DSD and MEKA need to generate an invoice so that they can file a claim and a check can be cut.

OLD BUSINESS:

Item #1 - Donohue re: Project Update

Paul Elling presented the members with an Existing flows with CAP Wet Weather report, he reviewed an additional report containing data with the addition of 50 and 500 homes to the line for Basin 35 from Grantline Road to Carver. Said report is on file with the City Clerk's office.

Mr. Fifer asked if the line represented by the dark blue area was improved would it improve the flows of the other two sections.

Mr. Elling stated that it is hard to say because the spreadsheet doesn't take into account backwater affect.

Mr. Fifer asked how much more work would it be for them to put together a budget to improve these two sections and present it to the sewer board and the city council together to show how much more money is needed in the Capital Improvement Project plan.

Mr. Elling stated that they could have something finalized for a presentation in about a month.

Mr. Solomon stated that he thought that they should wait until after their Capital Improvement Project plan and go to the council with all the information at once.

There was a lengthy discussion regarding working to merge Donohue's project list and EMC's project list into a Master Capital Improvement plan to take to the council in an understandable manner in order to show them what monies is needed over what will be received from the increased sewer rates.

Item #2 - 15th Street RFP

Mr. Elling presented an Engineering Services Agreement for the 15th Street Infrastructure Study to be reviewed and signed by the board. He discussed issues that were presented to them at their meeting regarding the length of the project and the immediate needs of a crushed pipe and what could be done to re-establish the crushed line while the study is being done.

Mr. Dixon stated that they are pumping this line daily even over the weekends and it is drawing attention from the residents in the area, and people will be a little more apt to make the assumption that the work is causing problems instead of correcting them.

Mr. Fifer asked if they are able to track the cost of this pumping.

Mr. Dixon stated that they could make an estimate for this.

Mr. Elling stated that he wasn't prepared to present the over all phase one project scope but he expects to be able to do this within two weeks.

Mr. Fifer asked if getting the man-hole set was all that was left.

Mr. Elling stated that this study goes beyond what they were supposed to do but that the immediate problem is the manhole and although it sounds like a simple job but it is more complicated when you get into the details of it.

Mr. Fifer asked about the option of a temporary pump station.

Mr. Elling said that is what they are proposing and that if they make the decision today that they aren't going to make the attempt to reopen that line then they could eliminate item B1 entirely.

Mr. Fifer asked what the down side of that would be.

Mr. Dixon stated that there would be a longer pump period.

Mayor Garner asked where they would pump it too.

Mr. Dixon stated that they would pump it to the next ally up.

Mr. Fifer stated that he really did not want to do any work on the existing line until they have had communication with CSX.

There was a lengthy discussion regarding the difficulties that this work presents and whether or not it is necessary to do geotech work just to see how much water will need to be pumped in the area.

Mr. Fifer stated that he really did not want to do any work on the existing line until they have had communication with CSX and asked if the geotech work that will be done for the main project could be used for the process.

Mr. Elling said that it could but the geotech work for the main project could take two-three months.

Mayor Garner asked the point in doing geotech work 15 feet from the railroad track if they are just going to have to redo it.

Mr. Elling stated that they wouldn't have to redo that one.

Mayor Garner stated that they would have to if they wanted someone other than the city to claim liability

Mr. Fifer asked Mr. Elling if he had any idea of what the remainder of the geotech was going to come in at.

Mr. Elling said he would estimate it to be around \$35,000.00-\$40,000.00 but that he isn't apposed to cutting out anything that the board wants him to cut out.

Mr. Fifer stated that they are in a "risk shifting" scenario and that if they don't get any bids and you may have contractors telling you that they aren't willing to assume any part of that risk. He explained that if that is where they end up they have to agree to pay for all the de-watering or they will get a price with stipulations that the liability is with the city.

Mayor Garner asked if the pipe was twelve foot deep all the way up to Vincennes St.

Mr. Dixon said ten to twelve.

Mr. Solomon asked what would happen if they kept pumping out in the near future, what would make that no longer a workable option.

Mr. Dixon explained that eventually the lateral lines would start to fill up with solids and that would create a backup and he would have no way of getting in and pumping that out.

Mayor Garner asked if they were better off going to Vincennes running the manhole over a street, then digging up the ally and putting the laterals higher, and then feeding them to a manhole that goes in another direction.

Mr. Dixon said you would still be digging down close to the water level.

Mayor Garner explained that they would be away from the track at that point.

Mr. Elling said it is still very difficult construction and it brings up the question of if they have enough slope to make it work.

Mr. Solomon stated that the board could use the information from IN-AWC regarding the amount of water to be pumped and bid the job out and pay.

Mr. Solomon motioned to modify the contract to eliminate item 1 lower item 2 to \$4,000 and leaving item 3 for the \$25,000 contingent upon Mr. Dixon be able to get the information needed from IN-AWC, Mr. Zurschmiede second, all voted in favor.

Mr. Elling stated that he would modify the contract and over-night it to the Mayor.

Item #3 - Clark Dietz re: Project Update

Mr. Christmas reported at basin 18 they have figured out what is causing the problem and they are hoping to have some solutions to present to them with dollar figures by March.

Mr. Solomon asked if he could get that to the board for the February 20 meeting.

Mr. Fifer asked what is the problem.

Mr. Christmas stated that there were flows that were not calculated in the original plan. He reported that at Basin 35 they have finished up the survey and he has not been able to get with everyone to establish the development fee and he is hoping to have that finished by February. They are expecting to get the EPA approval on the Robert E. Lee Force Main soon and that everything is substantially completed on the Robert E. Lee Interceptor and letters can be sent to the EPA. There are some small items that they need to get an extension for Team’s contract because of the wet weather conditions and he is going to hold back payment until those things are done. He recommended holding back \$31,000.

Mr. Solomon stated that he would hold out more than that to encourage them to come back. He asked Mr. Dixon regarding an invoice that he presented for a survey.

Mr. Dixon stated that they have already paid for the easement and now they have to pay for the survey. He stated that now Cinergy wants them to purchase the land rather than give them an easement.

Mr. Christmas had a change order for balancing of the quantities which gave them a decrease of \$1600 in the contract amount, and Team had additional items and the decrease is now \$551.14. He felt that the additional items are fair.

Mr. Solomon moved to approve the change order submitted by Team Contracting for the Robert E. Lee Project, Mr. Kochert second, all voted in favor.

Mr. Solomon asked if the stormwater bill that they received was high.

Mr. Dixon explained this covers the plant and the lift stations and is a quarterly bill.

EMC REPORT:

BIDS:

CLAIMS:

Mr. Dixon presented the following claims:

Delta Services	installed generator/transfer switch	\$8,304.00
Donohue & Associates	Continuing Service Agreement	\$22,546.84
IDEM	NPDES Permit fee	\$11,500.00
K&E Environment	December 2006 SSO Report	\$2,771.00

NA Municipal Utilities	Storm Water- 73 W 10 th St	\$1,331.40
Kevin Taff	Lewis St Drafting Services	\$1,000.00

Mr. Solomon asked Mr. Sartell about the NPDES permit if he had looked at the flow that it was based on and if it was accurate.

Mr. Sartell stated that it was.

Mr. Solomon asked Mr. Dixon if he felt the amount for storm water was correct.

Mr. Dixon said he thought it was okay but he hadn't measured the square footage and that would be the only way he could object to it.

Mr. Solomon asked Mr. Dixon if he could just take a look at it and see what he thinks.

Mr. Solomon motioned to approve the claims as presented, Mr. Kochert second, all voted in favor.

Mr. Dixon reported that they have been having problems with a truck that needs to be replaced and presented a quote to repair the truck for the total amount of \$9,646.67.

Mr. Solomon made a motion to approve, Mr. Kochert second, all voted in favor.

The Board tabled the torts until after their work session.

Mr. Solomon asked what the status is on the Lafollette Station are service study.

Mr. Christmas stated that he has not been able to reach them to discuss this.

Mr. Solomon asked for him to request an up-date on that and provide a schedule to the board.

Mr. Dixon stated that Team would like to present the remaining amount due for the Old Ford Road project.

Mr. Solomon stated that he would like to see that in their next packet.

Mr. Dixon stated that Mr. Scott Adams who is the developer of Muir Field is requesting to vacate 5 feet of a sewer easement so that he can build a house on this lot.

Mr. Zurschmiede stated that Mr. Adams needs to come in and present this to the board.

Mr. Dixon stated that he has received calls in the past week from residents on Grantline across from The Pines that are currently on septic and need to be hooked to the sewers and they are wondering if the sewer board could help them with this problem.

Mr. Solomon stated that this would open them up to a lot of other individuals coming to the board to ask for help.

Mr. Dixon stated that Mr. Warren Nash came out and they showed him a spot where he could set up shop and he said that he would get back with them at a later date.

Mr. Sartell reported that there was no capacity SSO's in either dry or wet since August. He stated that over the holidays they dropped a PLC and that an alarm went out and an operator went out and brought it back up. He has people coming in from Delta and Frakes to go over the equipment, but he believes that there is either a drop or a spike in the voltage.

Mr. Solomon asked why this didn't happen on the other PLC's.

Mr. Sartell explained that this is still under investigation.

There was a lengthy discussion regarding the electrical equipment and why it could be failing.

Mr. Solomon asked for a report after his meeting with Delta and Frakes..

ADJOURNMENT:

There being no further business before the Sewer Board, the meeting adjourned at 6:43 p.m.

Respectfully submitted,

Mayor James Garner, Chairman

Marcey J. Wisman, City Clerk